

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 29, 2002. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(b)

A. Statement of the Rejections

Claims 1-3 and 5-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. ("Suzuki," U.S. Pat. No. 5,416,556). In addition, claims 1-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by McIntyre et al. ("McIntyre," U.S. Pat. No. 5,715,487).

The rejections allege that Suzuki discloses Applicant's invention as recited in the claims 1-3 and 5-14, and that McIntyre discloses Applicant's invention as recited in claims 1-14. Applicant respectfully traverses these rejections.

B. Discussion of the Rejections

As identified above, each original independent claim has been amended with this Response. In view of these amendments, the rejections of the claims in view of Suzuki and McIntyre are considered moot. Applicant respectfully asserts that each of claims 1-14 is allowable over each of Suzuki and McIntyre.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of McIntyre.

The rejection alleges that Suzuki discloses Applicant's invention substantially as claimed with the exception of a physical attribute sensor. The rejection concludes however that, in view of the McIntyre disclosure, it would have been obvious to a person having ordinary skill in the art to provide Suzuki's camera with such a sensor. Applicant respectfully traverses this rejection.

B. Applicant's Claimed Invention

Applicant's claims describe inventions that pertain to controlling operation of a camera based upon identification of the camera user. In that subject matter from rejected claim 4 has been incorporated into independent claim 1, claim 1 is reproduced below.

1. A camera, comprising:
 - a memory for *storing at least one camera setting in association with a particular user*;
 - a *physical attribute sensor* for identifying the user; and
 - a processor for *controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified*.

Applicant's claim 1 (emphasis added). Accordingly, Applicant's claim 1, and therefore claim 4 which depends from claim 1, requires at least: (i) a physical attribute sensor, and (ii) a processor that controls the camera according to stored camera settings that are associated with the identified user.

C. The Suzuki Reference

Suzuki discloses a custom mode control apparatus for use in a camera. The control apparatus may be used to select various settings (“contents”) to be stored (“memorized”) in association with a given user. The camera includes a dial (35) and a button (38) that are used to enter a personal code that identifies the user to the camera, so as to cause the various camera settings stored in association with that user to be implemented.

In contrast to Applicant’s claimed invention, Suzuki does not disclose, teach, or suggest a sensor that is capable of identifying physical attributes of the user such as a fingerprint or a retina signature.

D. The McIntyre Reference

McIntyre discloses a camera that can only be used (“accessed”) by first entering a correct password. In particular, McIntyre uses a two-tiered password scheme in which a first password enables the user to operate the camera and a second password enables the user to remove a film cartridge from the camera and duplicate images. McIntyre, col. 8, lines 14-24. The password is received by the camera either through a voice-recognition chip (21) or a keypad (22).

Nowhere does McIntyre describe receiving or storing camera settings in association with a particular user, or controlling the camera according to those settings when that user is later identified.

E. Discussion of the Rejection

As acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, to make a proper case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. It is respectfully asserted that no such case has been made in the outstanding Office Action.

Suzuki fails to disclose sensing a physical attribute of a user to identify that user. It is for this reason that the McIntyre disclosure is cited. In the Office Action, it is argued that it would have been obvious to “substitute” physical attribute detection for “the keyboard input” “in order to provide a more secure device.” The problem with this argument is that, as highlighted above, the only components that Suzuki teaches for user identification is a dial (35) and a button (38). Suzuki makes no reference to a keyboard. Although McIntyre does disclose a “keypad 22,” the argument suggests substituting something taught by McIntyre, not something taught by Suzuki, with a physical attribute sensor. Therefore, no motivation has been identified for adding a physical attribute sensor to the Suzuki camera.

This mistake identifies an important difference between the Suzuki and McIntyre inventions. Specifically, the Suzuki invention is focused on user convenience in controlling various camera settings while McIntyre is focused on security issues (i.e., “access” to the camera). Nowhere does Suzuki identify security as a concern. In addition, nowhere does McIntyre identify control of camera settings as a concern. In

view of this significant distinction, a person having ordinary skill in the art simply would not be motivated to provide the Suzuki camera with a high-security sensor such as a physical attribute sensor. Therefore, the combination is improper. Recall that teachings of references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

Notably, motivation to combine convenience in controlling camera settings with security is only provided by Applicant's own specification. As stated in this specification:

The user identification sensor may also be placed at other locations on the camera body 105. In this regard, FIG. 3 shows a rear view of an alternative embodiment of a camera 300, in which the user identification sensor includes a keypad 330 on the back of the camera. ***The keypad 330 also provides an added measure of security since each user will have their own personal identification number that is not known to the other users.*** FIGs. 4-6 illustrate other embodiments of a camera with secure user identification sensors. In particular, the user identification sensors shown in FIGs. 4-6 include physical attribute sensors, which can identify different users without using personal identification numbers.

Applicant's specification, page 4, line 15 to page 5, line 2 (emphasis added). Applicant respectfully submits that reference back to Applicant's own disclosure for purposes of identifying motivation to combine prior art references constitutes improper hindsight.

With particular regard to claim 4, neither Suzuki nor McIntyre disclose a "fingerprint sensor" or a "retinal scanner". Therefore, claim 4 is allowable over the Suzuki/McIntyre combination for at least this reason.

In summary, it is Applicant's position that the Suzuki/McIntyre combination is improper and/or fails to render Applicant's claims obvious. Therefore, it is respectfully submitted that each of Applicant's claims is patentable.

III. Canceled Claims

As identified above, claims 2-3 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

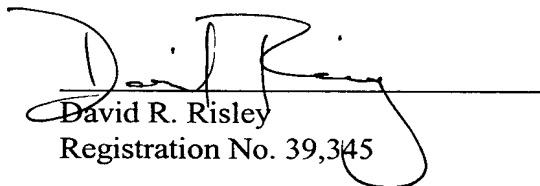
IV. Newly Added Claims

As identified above, claims 15-19 have been added into the application through this response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the art of record and, therefore, respectfully requests that these claims be held to be allowable.

CONCLUSION

Applicant respectfully submits that all rejections have been traversed, rendered moot, and/or accommodated, and that pending claims 1 and 4-19 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on

9-28-03
May Meegan
Signature

ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES MADE

The following claims have been amended by deleting the bracketed (“[]”) portions and adding the underlined (“ ”) portions.

1. (Once amended) A camera, comprising:

a memory for storing at least one camera setting [for each of at least one] in association with a particular user;

a [user identification] physical attribute sensor for identifying [at least one of said at least one] the user[of the camera]; and

a processor for controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified.

4. (Once amended) The camera recited in claim 1 wherein said [user identification] physical attribute sensor comprises [a physical attribute sensor] at least one of a fingerprint sensor and a retinal scanner.

6. (Once amended) A camera, comprising:

means for identifying [at least one] a physical attribute of a user of the camera;
and

means for automatically controlling the camera according to [the identification of the user] stored photographic control settings associated with an identified user.

8. (Once amended) The camera recited in claim 6, wherein said means for identifying a physical attribute of a user [is selected from the group consisting of a switch, code entry device, and a physical attribute sensor] comprises at least one of a fingerprint sensor and a retinal scanner.

9. (Once amended) A computer readable medium for use with a camera, comprising:

logic for identifying [at least one] a physical attribute of a user of the camera;
and

logic for controlling the camera according to [the identification of the user]
stored photographic control settings associated with an identified user.

11. (Once amended) The computer readable medium recited in claim 9, wherein the logic for identifying [at least one] a physical attribute of a user of the camera includes logic for receiving input from [a device selected from the group consisting of a switch, code entry device, and a physical attribute sensor] at least one of a fingerprint sensor and a retinal scanner.

12. (Once amended) A method of operation for a camera, comprising[the steps of]:

receiving a user identification obtained by sensing a physical attribute of the user; and

controlling the camera according [to the received user identification] stored photographic control settings associated with that user.

14. (Once amended) The method recited in claim 14, wherein said receiving step includes receiving a signal from [a device selected from the group consisting of a switch, code entry device, and a physical attribute sensor] at least one of a fingerprint sensor and a retinal scanner.